



Village of Canal Winchester
36 South High Street
Canal Winchester, Ohio 43110-1213

Village Council
Monday,
August 4, 2008
7:00 PM

Minutes

Call to Order: Mr. Deeds called the meeting to order at 6:59pm

Pledge of Allegiance: Mrs. Mershon led the Pledge of Allegiance

Roll Call:

John Bender	Rick Deeds	Bruce Jarvis	Bobbie Mershon
Victor Paini	Marilyn Rush-Ekelberry	Leah Turner	

Approval of Minutes:

Mrs. Rush-Ekelberry moved to approve the minutes from the July 21st, 2008 meeting. Mrs. Turner seconded the motion.

VOTE: **AYES** Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS
Dr. Bender abstained. Motion carried.

Communications & Petitions:

A thank you letter and summary of event was received from Adventures for Wish Kids.

A letter from Columbia Gas was received detailing ways residents can prepare for the winter heating season and higher gas costs.

Village Residents Comments:

Jeffery Bond, of 146 Washington Street Apt C, spoke in regards to apartment complexes. He believes that a 120 unit apartment complex is the wrong way to go. He envisions apartments over storefronts or garage apartments. There are many issues with just the four apartments on Washington Street down from 36 S Washington. There would be many more with 120 apartments. The apartments would allow people of a certain income to rent and keep out people with higher incomes... bringing a bad mix of events. He asks that Council come up with a better solution.

ORDINANCES:

FIRST Reading

Sponsor: Mr. Paini

O-08-08A AN ORDINANCE TO REPLACE CHAPTERS 1101 THROUGH 1129 PLUS APPENDICES A, B, C, D AND E INCLUSIVE OF THE CODIFIED ORDINANCES BY ADOPTING NEW SUBDIVISION REGULATIONS

Mr. Paini read the ordinance. First reading only.

Sponsor: Mrs. Mershon

O-08-08B AN ORDINANCE TO ADOPT THE STORMWATER DESIGN MANUAL

Mrs. Mershon read the ordinance. First reading only.

Sponsor: Mrs. Mershon

O-08-08C AN ORDINANCE TO AMEND CHAPTER 1175 OF THE CODIFIED ORDINANCES BY ADOPTING THE STREAM CORRIDOR PROTECTION POLICY AND STREAM CORRIDOR PROTECTION ZONE

Mrs. Mershon read the ordinance. First reading only.

Sponsor: Mrs. Mershon

O-08-08D AN ORDINANCE TO AMEND THE APPROPRIATION ORDINANCE 77-07 AMENDMENT #2

Mrs. Mershon read the ordinance. \$12,000 in County taxes, \$25,000 technology over budget, \$66,000 for legal fees regarding the bike path, \$2,605,954 for Diley Road which will be reimbursed with the assessment plan and the street fuel costs have increased by \$10,000. First reading only.

Sponsor: Mr. Paini

O-08-08E AN ORDINANCE TO UPDATE THE FEES TO BE ASSESSED FOR THE CANAL WINCHESTER MAYORS COURT.

Mr. Paini read the ordinance. First reading only.

Sponsor: Mr. Paini

O-08-08F AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH HD SUPPLY FOR THE PURCHASE OF A VEHICLE MOBILE UNIT READER PACKAGE AND DECLARING AN EMERGENCY

Mr. Paini read the ordinance and moved that the rules are suspended. Mr. Deeds seconded the motion. This emergency is to meet a deadline for a quoted price.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS
Motion carried.

Mr. Paini moved to adopt Ordinance 36-08. Dr. Bender seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS
Motion carried.

Sponsor: Mrs. Turner

O-08-08G AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH FOURNIER INDUSTRIES, INC. FOR THE PURCHASE OF A MODEL 4(6)-900/6000CV ROTARY PRESS AND APPURTENANCES AND DECLARING AN EMERGENCY

Mrs. Turner read the ordinance and moved that the rules for 2nd and 3rd readings be suspended. This is to meet a 30 purchase order price. Mr. Jarvis seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Mrs. Turner moved to adopt Ordinance 37-08. Seconded my Mrs. Mershon.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

SECOND Reading

Sponsor: Mr. Deeds

O-07-08D AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$2,280,000 IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS FOR THE PURPOSE OF THE IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF DILEY ROAD, BEGINNING AT THE LIMITED ACCESS RIGHT-OF-WAY APPROXIMATELY 1,030 FEET NORTH OF THE INTERSECTION OF DILEY ROAD ON U.S. 33, THENCE NORTH APPROXIMATELY 5,000 FEET, INCLUDING TWO EXISTING INTERSECTIONS AND TWO NEW INTERSECTIONS, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. Second reading only.

Sponsor: Mr. Deeds

O-07-08E AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$3,095,000 FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF THE BONDS ISSUED IN 1999 FOR VARIOUS MUNICIPAL PURPOSES AS SET FORTH IN ORDINANCE NO. 20-99 ADOPTED BY THE VILLAGE OF CANAL WINCHESTER, OHIO ON MAY 3, 1999; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING AN ESCROW AGREEMENT IN CONNECTION WITH THE BONDS; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. Second reading only.

Sponsor: Mr. Deeds

O-07-08F

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$425,000 FOR THE PURPOSE OF CURRENTLY REFUNDING A PORTION OF THE BONDS ISSUED IN 1993 FOR VARIOUS MUNICIPAL PURPOSES AS SET FORTH IN ORDINANCE NOS. 21-93, 22-93 ADOPTED BY THE VILLAGE OF CANAL WINCHESTER, OHIO ON FEBRUARY 15, 1993 AND AMENDING ORDINANCE NOS. 88-93 AND 89-93 ADOPTED JULY 12, 1993; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING AN ESCROW AGREEMENT IN CONNECTION WITH THE BONDS; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. Second reading only.

Sponsor: Mr. Deeds

O-07-08G

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$1,040,000 FOR THE PURPOSE OF THE ACQUISITION OF LAND AND INTERESTS IN LAND FOR PARKS AND RECREATIONAL PURPOSES AND ALL APPURTENANCES THEREFORE; AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. Second reading only.

Sponsor: Mrs. Rush-Ekelberry

O-07-08H

AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR/CLERK OF COUNCIL TO ACCEPT AND EXECUTE THE PARKVIEW DRIVE AND EASEMENTS PLAT

Mrs. Rush-Ekelberry read the ordinance. Second reading only.

Sponsor: Mrs. Mershon

O-07-08J

TO REPEAL THE FOLLOWING ORDINANCES #48-04, #7-02 AND #22-91 REGARDING ZONING FEES, #47-06, #69-04 AND #128-96 REGARDING BUILDING FEES, #24-07, #63-05, #49-05 AND #122-97 REGARDING WATER SYSTEM AND FIRE PROTECTION CAPACITY FEES, AND #25-07 AND #48-05 REGARDING SANITARY SEWER SYSTEM CAPACITY FEES AND ADOPTING A COMBINED DEVELOPMENT FEE SCHEDULE

Mrs. Mershon read the ordinance. Second reading only.

O-07-08K

Mrs. Mershon read the ordinance. Second reading only.

Sponsor: Mr. Jarvis

O-07-08A

Mr. Jarvis read the ordinance and moved to adopt Ordinance 38-08. Mrs. Mershon seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

FIRST Reading

Sponsor:

Mr. Jarvis

R-08-08A

Mr. Jarvis
A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE
EXPECTATION OF THE VILLAGE OF CANAL WINCHESTER ON BEHALF OF THE
STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS GENERAL FUND OR
ISSUE 2 FUND FOR THE THRUSH DRIVE RECONSTRUCTION PHASE 2 - CC06L
WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO.

Mr. Jarvis read the resolution. First reading only. This spells out that the State will reimburse the Village of Canal Winchester, some of the costs incurred on this project.

THIRD Reading

Sponsor: Mr. Paini

R-07-08A

**A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE TAX INCENTIVE
REVIEW COUNCIL FOR THE FAIRFIELD COUNTY TAX ABATEMENT AREAS
WITHIN THE VILLAGE OF CANAL WINCHESTER**

Mr. Paini read the resolution and moved to adopt Resolution 08-08. Mrs. Mershon seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

R-07-08B

Mr. Jarvis read the resolution and moved to adopt Resolution 09-08. Dr. Bender seconded the motion.

NAYS

Sponsor Mrs. Rush-Ekelberry

R-07-08C

NAYS

Motion carried.

R-07-08D

Mr. Paini read the resolution and moved to adopt Resolution 11-08. Mrs. Mershon seconded the motion.

NAYS

Mayor's Report:

NAYS

Public Works Director:

Development Director:

Community Affairs Director:

Village Solicitor:

Fairfield County Sheriff:

Sgt. Kern read the report.

Finance Director:

Ms. Osborn wanted to work out a joint meeting with Planning and Zoning Commission to discuss proposed development at the SE corner of Busey and Diley. That issue goes before P&Z on August 11th, so Ms. Osborn was hoping to schedule the meeting for Thursday, August 7th from 5:30-6:30pm at 10 N. High.

Council agreed to this date.

See written report for additional Finance information.

Council Reports:

Old Town Committee	Monday, August 11, 2008 at 5:45 PM
Finance Committee	Tuesday, September 2, 2008 at 5:45 PM
Mayor's Court costs will be discussed at the next meeting.	
BWC premium audit is coming as well.	
Service Committee	Monday, August 18, 2008 at 5:45 PM
Safety Committee	Monday, August 11, 2008 at 5:00 PM
Public Hearing	Monday, August 18, 2008 6:45 PM
(Subdivision Regulations Update – Stream Corridor Protection – Stormwater Manual)	

New Business:

Mr. Jarvis stated that an application for grant money from CW Human Services organizations was received and at the time there were questions as to the use of the money. The Finance Committee has gotten more information and has come up with a recommendation. The recommendation was to grant the request in full, for \$14,000, with the restriction that it be spent only on programs. Also, it is recommended that Ms. Osborn be the administrator of the grant money and it would be granted on a case by case basis by request.

Mrs. Turner asked if that money was to come out of the General Fund. Mr. Jarvis stated that it would indeed come from the General Fund, as it is more than is available in the Bed Tax fund.

Mrs. Mershon stated that money from the Village shouldn't go toward the Director's salary, but other programs are worthy recipients.

Mr. Jarvis moved to approve the request of CW Human Services with the above-mentioned restrictions. Mr. Paini seconded the motion.

Ms. Osborn stated that she will have to amend an appropriations ordinance to cover this, so there will be an ordinance at the next meeting.

Dr. Bender asked how the salary of the director will be addressed. Mr. Jarvis stated that their administrative overhead is above 50% and that is high for a charitable organization. Therefore, this solution gives a certain level of comfort to the Finance Committee about how their money will be spent.

Dr. Bender noted that last year we gave the organization \$14,000 to support her, but this year we are not. That is a hard thing for them.

Mr. Jarvis noted again that there didn't seem to be a check and balance on where and how the money was spent.

Dr. Bender doesn't believe that she should have to get her salary from grants and they should look into it.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

None at this time.

Adjourn to Executive Session:
Dr. Bender moved to adjourn to Executive session for the purposes of land acquisition at 7:56pm.
Mrs. Turner seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Returned from Executive session at 8:22pm


Adjournment: Mr. Paini moved to adjourn the meeting. Mr. Deeds seconded the motion.

Time out: 8:23pm

Heena K. Oshro
Clerk of Council


President of Council

Date August 18, 2008


Mayor

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.